



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Kimberly-Clark Corporation
c/o Thomas J. Mielke
Senior Vice President of Law, Government Affairs, and Chief Compliance Officer
Kimberly-Clark Corporation
P.O. Box 619100
Dallas, TX 75261-9100

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to Kimberly-Clark Corporation

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to Kimberly-Clark Corporation and any and all officers, employees, contractors, successors, assigns, and agents of Kimberly-Clark Corporation, specifically including any attorneys or law firm staff engaged to represent Kimberly-Clark Corporation.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”).

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and

a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

Specific Information Requests

1. Provide copies of all documents that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Appleton Papers Inc.
c/o Mark R. Richards
Chairman, President, and Chief Executive
Appleton Papers Inc.
825 E. Wisconsin Avenue
P.O. Box 359
Appleton, WI 54912

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.


Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,


Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to Appleton Papers Inc.

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you,” “your,” and “API” refer to Appleton Papers Inc. and any and all officers, employees, contractors, successors, assigns, and agents of Appleton Papers Inc., specifically including any attorneys or law firm staff engaged to represent Appleton Papers Inc.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

ACCFOX00000001 through ACCFOX00000106

APIFOX_US0000001 through APIFOX_US0000088

APIFOX00051632 through APIFOX00052008

APPNCR-000001 through APPNCR-000275

LEGCM000001 through LEGCM003031

MONSANTO-NCR-FOX-0000001 through MONSANTO-NCR-FOX-0000398

NCR_EXP000001 through NCR_EXP026852

NCR-FOX-0000001 through NCR-FOX-0559806

NCR-FOX-0567350 through NCR-FOX-0622882

NCR-FOX-US000001 through NCR-FOX-US000018

PERFOX00000001 through PERFOX00000291

STBAPI000001 through STBAPI004671

STBAPI004676 through STBAPI008830

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.
2. Provide copies of all documents (other than Excepted Documents) that have been produced or provided to any other litigant in response to the Court's July 31, 2009 Order in the Contribution Litigation (Dkt. # 507) or in response to the subpoena to Appleton Coated LLC that is referenced in that Order.
3. Provide copies of all documents (other than Excepted Documents) that have been produced or provided to any other litigant in the Contribution Litigation by or on behalf of any of the following entities (or any affiliate, predecessor, or successor of any such entity):
 - a. Appleton Coated LLC
 - b. Arjowiggins SAS
 - c. Monsanto Company; Solutia, Inc.; Pharmacia & Upjohn; Pharmacia Corp.; or Pfizer Inc.
 - d. NCR Corp.
 - e. Perkins Coie
 - f. Simpson, Thatcher & Bartlett

Note: A corresponding version of this Information Request is being sent to NCR Corp., API's co-plaintiff in the Contribution Litigation. EPA encourages API and NCR to coordinate and provide EPA a single set of documents as a collective, joint response to this Information Request, but if that approach is taken then any failure to provide a timely and complete response will constitute separate violations of CERCLA Section 104(e) by both API and NCR.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

NCR Corporation
c/o Edward Gallagher
Law Vice President
NCR Corporation, WHQ-2E
1700 South Patterson Blvd.
Dayton, OH 45479

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to NCR Corporation

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you,” “your,” and “NCR” refer to NCR Corporation and any and all officers, employees, contractors, successors, assigns, and agents of NCR Corporation, specifically including any attorneys or law firm staff engaged to represent NCR Corporation.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

ACCFOX00000001 through ACCFOX00000106

APIFOX_US0000001 through APIFOX_US0000088

APIFOX00051632 through APIFOX00052008

APPNCR-000001 through APPNCR-000275

LEGCM000001 through LEGCM003031

MONSANTO-NCR-FOX-0000001 through MONSANTO-NCR-FOX-0000398

NCR_EXP000001 through NCR_EXP026852

NCR-FOX-0000001 through NCR-FOX-0559806

NCR-FOX-0567350 through NCR-FOX-0622882

NCR-FOX-US000001 through NCR-FOX-US000018

PERFOX00000001 through PERFOX00000291

STBAPI000001 through STBAPI004671

STBAPI004676 through STBAPI008830

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.
2. Provide copies of all documents (other than Excepted Documents) that have been produced or provided to any other litigant in response to the Court's July 31, 2009 Order in the Contribution Litigation (Dkt. # 507) or in response to the subpoena to Appleton Coated LLC that is referenced in that Order.
3. Provide copies of all documents (other than Excepted Documents) that have been produced or provided to any other litigant in the Contribution Litigation by or on behalf of any of the following entities (or any affiliate, predecessor, or successor of any such entity):
 - a. Appleton Coated LLC
 - b. Appleton Papers Inc.
 - c. Arjowiggins SAS
 - d. Monsanto Company; Solutia, Inc.; Pharmacia & Upjohn; Pharmacia Corp.; or Pfizer Inc.
 - e. Perkins Coie
 - f. Simpson, Thatcher & Bartlett

Note: A corresponding version of this Information Request is being sent to Appleton Papers Inc., NCR's co-plaintiff in the Contribution Litigation. EPA encourages NCR and API to coordinate and provide EPA a single set of documents as a collective, joint response to this Information Request, but if that approach is taken then any failure to provide a timely and complete response will constitute separate violations of CERCLA Section 104(e) by both NCR and API.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

CBC Coating, Inc.
c/o Tom Metivier
President and Chief Executive Officer
CBC Coating, Inc.
820 S. Olde Oneida Street
Appleton, WI 54915

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to CBC Coating, Inc.

Instructions and Key Terms

- A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to CBC Coating, Inc. (formerly known as Riverside Paper Corp.) and any and all officers, employees, contractors, successors, assigns, and agents of CBC Coating, Inc., specifically including any attorneys or law firm staff engaged to represent CBC Coating, Inc.
- B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.
- C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.
- D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

CBCFOX00000001 through CBCFOX00007180

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

City of Green Bay
c/o Allison Swanson
City Attorney
City Hall,
100 North Jefferson Street
Green Bay, WI 54301-5026

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Madam:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

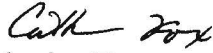
Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Cath Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to the City of Green Bay

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you,” “your,” and the “City” refer to the City of Green Bay and any and all officers, employees, contractors, successors, assigns, and agents of the City of Green Bay, specifically including any attorneys or law firm staff engaged to represent the City of Green Bay.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”).

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and

a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Previously-Produced Documents.* EPA is aware that the City has previously provided the United States certain documents in the Contribution Litigation. EPA nonetheless requests that the City provide a complete set of all documents responsive to this request – whether or not particular documents may have been previously-produced to the United States – because the document sets previously produced by the City included a large number of gaps in the Bates number ranges that the City used to identify its documents. For example, we believe that the document set that the City produced with the Bates range from GP-DP0002000 through GP-DP0003000 did not include any of the following pages: GB-DP0002173 to GB-DP0002482; GB-DP0002517 to GB-DP0002518; GB-DP0002522 to GB-DP0002564; GB-DP0002568 to GB-DP0002581; GB-DP0002613 to GB-DP0002614; GB-DP0002621 to GB-DP0002638; GB-DP0002670 to GB-DP0002965; GB-DP0002969 to GB-DP0002988; GB-DP0002991 to GB-DP0003000.

Specific Information Requests

1. Provide copies of all documents that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Neenah-Menasha Sewerage Commission
c/o William Zelinski
President
Neenah-Menasha Sewerage Commission
101 Garfield
Menasha, WI 54952

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Fox". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to the Neenah-Menasha Sewerage Commission

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to the Neenah-Menasha Sewerage Commission and any and all officers, employees, contractors, successors, assigns, and agents of the Neenah-Menasha Sewerage Commission, specifically including any attorneys or law firm staff engaged to represent the Neenah-Menasha Sewerage Commission.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions

taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

NMSC_FOX_000001 through NMSC_FOX_000018

NMSC_FOX_000020 through NMSC_FOX_001519

NMSC_FOX_001521 through NMSC_FOX_002538

NMSC_FOX_002541 through NMSC_FOX_002926

NMSC_FOX_002943 through NMSC_FOX_003642

NMSC_FOX_003645 through NMSC_FOX_004977

NMSC_FOX_004979 through NMSC_FOX_008396

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Brown County
c/o John Luetscher
Corporation Counsel
P.O. Box 23600
Green Bay, WI 54305-3600

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,


Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to Brown County

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to Brown County and any and all officers, employees, contractors, successors, assigns, and agents of Brown County, specifically including any attorneys or law firm staff engaged to represent Brown County.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

BC000001 through BC001388

BC001391 through BC001523

BC001526 through BC006144

BC006147 through BC008421

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

P.H. Glatfelter Co.
c/o Thomas G. Jackson
Vice President, General Counsel, and Secretary
96 South George Street – Suite 500
York, PA 17401

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,


Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to P.H. Glatfelter Co.

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to P.H. Glatfelter Co. and any and all officers, employees, contractors, successors, assigns, and agents of P.H. Glatfelter Co., specifically including any attorneys or law firm staff engaged to represent P.H. Glatfelter Co.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

GLTFOX00000001 through GLTFOX00010340

GLTFOX-DOJ-000001 through GLTFOX-DOJ-004167

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Georgia-Pacific Consumer Products LP
c/o John E. Burgess
Senior Counsel – Litigation
Georgia-Pacific Corp.
133 Peachtree Street, N.E.
Atlanta, GA 30303

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Fox". The script is cursive and fluid.

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to Georgia-Pacific Consumer Products LP

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to Georgia-Pacific Consumer Products LP (formerly known as Fort James Operating Company) and any and all officers, employees, contractors, successors, assigns, and agents of Georgia-Pacific Consumer Products LP, specifically including any attorneys or law firm staff engaged to represent Georgia-Pacific Consumer Products LP.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions

taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

GPFOX000000015 through GPFOX00007396

GPFOX00007399 through GPFOX00030202

GPFOX00030217 through GPFOX00030221

GPFOX00030236 through GPFOX00031593

GPFOX00031598 through GPFOX00031593

GPFOX00031598 through GPFOX00073216

GPFOX00101397 through GPFOX00101398

GPFOX00135801 through GPFOX00139730

GPFOX00140575 through GPFOX00140577

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.
2. Provide copies of all documents (other than Excepted Documents) that have been produced or provided to any other litigant in response to the Court's July 31, 2009 Order in the Contribution Litigation (Dkt. # 507) or in response to your subpoena to Appleton Coated LLC that is referenced in that Order.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 23 2010

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

WTM I Company
c/o J.P. Causey Jr.
Canal Corporation
Box 2350
Richmond, VA 23218

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,


Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to WTM I Company

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to WTM I Company (formerly known as Wisconsin Tissue Mills, Inc.) and any and all officers, employees, contractors, successors, assigns, and agents of WTM I Company, specifically including any attorneys or law firm staff engaged to represent WTM I Company

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

DOJWTM0000001 through DOJWTM002877

PMFOX0000001 through PMFOX000152

WTMFOX000000001 through WTMFOX00010868

WTMFOX00010870 through WTMFOX00010880

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

MAR 23 2010

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Menasha Corp.
c/o Mark P. Fogarty
Vice President, General Counsel, and Corporate Secretary
Menasha Corp.
1645 Bergstrom Road
P.O. Box 367
Neenah, WI 54957-0367

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to Menasha Corp.

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your,” refer to Menasha Corporation and any and all officers, employees, contractors, successors, assigns, and agents of Menasha Corporation, specifically including any attorneys or law firm staff engaged to represent Menasha Corporation.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude:

- (1) the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

MENFOX00000001 through MENFOX00004441

MENFOX00004936 through MENFOX00008432

- (2) the following additional documents:

documents that you obtained from the U.S. Fish and Wildlife Service and provided to the U.S. Department of Justice in 2008; and

documents that you obtained from the Wisconsin Department of Natural Resources and provided to the U.S. Department of Justice in 2008.

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

U.S. Paper Mills Corp.
c/o Tim Davis
President
U.S. Paper Mills Corp.
824 Fort Howard Avenue
P.O. Box 5850
De Pere, WI 54115-5850

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.


Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,


Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to U.S. Paper Mills Corp.

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to U.S. Paper Mills Corp. and any and all officers, employees, contractors, successors, assigns, and agents of U.S. Paper Mills Corp., specifically including any attorneys or law firm staff engaged to represent U.S. Paper Mills Corp.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”). The Information Request specifically excludes particular documents that are identified below (the “Excepted Documents”), and copies of those documents should *not* be provided in response to this Request.

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

I. *Excepted Documents.* As noted above and below, your response to this Information Request should exclude the documents exchanged in the Contribution Litigation that were assigned the following Bates numbers:

USPFOX00000581 through USPFOX00000878

ACGIH00000001 through ACGIH00000032

AFPA00000001

BMIFOX00000001

COVANCE00000001 through COVANCE00000002

EWG00000001

HILLTOP00000001 through HILLTOP00000105

HILLTOP00000151 through HILLTOP00000908

HILLTOP00000937 through HILLTOP00001134

KETT00000001

IPST00000001 to IPST00000006

Specific Information Requests

1. Provide copies of all documents (other than Excepted Documents) that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

**PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

City of Appleton
c/o City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir or Madam:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to the City of Appleton

Instructions and Key Terms

A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to the City of Appleton and any and all officers, employees, contractors, successors, assigns, and agents of the City of Appleton, specifically including any attorneys or law firm staff engaged to represent the City of Appleton.

B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”).

C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.

D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and

a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

Specific Information Requests

1. Provide copies of all documents that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2010

REPLY TO THE ATTENTION OF:

C-14J

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

NewPage Wisconsin System, Inc.
c/o Douglas K. Cooper
Vice President, General Counsel, and Secretary
NewPage Corp.
8540 Gander Creek Drive
Miamisburg, OH 45342

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Lower Fox River and Green Bay Superfund Site in Northeastern Wisconsin

Dear Sir:

The U. S. Environmental Protection Agency ("EPA") seeks your cooperation in providing information and documents relating to the Lower Fox River and Green Bay Superfund Site in northeastern Wisconsin ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete response to this Information Request, including the specific document requests that are attached hereto (Attachment A), within 21 days of your receipt of this letter.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. EPA will study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you have information that may assist the Agency in its investigation of the Site.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to this Information Request are provided in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Richard Murawski, Associate Regional Counsel
Office of Regional Counsel, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about this Information Request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Associate Regional Counsel Richard Murawski at (312) 886-6721.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Fox".

Catherine Fox
Associate Regional Counsel

Attachment

Attachment A
Information Request to NewPage Wisconsin System, Inc.

Instructions and Key Terms

- A. *The Respondent.* For the purpose of this request, the terms “you” and “your” refer to NewPage Wisconsin System, Inc. and any and all officers, employees, contractors, successors, assigns, and agents of NewPage Wisconsin System, Inc., specifically including any attorneys or law firm staff engaged to represent NewPage Wisconsin System, Inc.
- B. *Scope of Request.* This Information Request seeks copies of documents that you have provided to other litigants in the discovery process in two consolidated CERCLA contribution cases concerning the Lower Fox River and Green Bay Superfund Site, captioned *Appleton Papers Inc. and NCR Corp. v. George A. Whiting Paper Co., et al.*, Case No. 08-C-00016 (E.D. Wis.) and *NCR Corp. v. Kimberly-Clark Corp., et al.*, Case No. 08-C-00895 (E.D. Wis.) (collectively, the “Contribution Litigation”).
- C. *Continuing Obligation to Provide Information.* If additional responsive documents are produced or provided in the Contribution Litigation after your initial response to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you provide such documents in a supplemental response to EPA.
- D. *Confidential Information.* The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and

a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

E. *Disclosure to Authorized Representatives.* Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 42 U.S.C. § 9604(e)(7)(A) and 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Among other things, the United States may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

F. *Personal Privacy Information.* Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

G. *Objections to Specific Information Requests.* If you have objections to some or all of the specific requests within this Information Request letter, you are still required to respond to each of the requests.

H. *Manner of Production.* EPA understands that all or nearly all documents that may be responsive to this Information Request have been exchanged in the Contribution Litigation in an electronically-imaged format, with uniquely-assigned Bates numbers. Thus, you are directed to provide EPA copies of all responsive documents in an electronically-imaged format, with the same uniquely-assigned Bates numbers. Only apply new Bates numbers to responsive documents that were produced or provided in the Contribution Litigation without Bates numbers. All responsive documents shall be provided in electronic form on CD-ROMs, DVD-ROMs, or external hard drives. Documents shall be scanned as 300 dpi single-page TIFF files, using CCITT Group IV compression. Each page shall be branded with its unique Bates number, which shall not be an overlay of the image. The images shall be accompanied by: (1) an Opticon™ or IPRO® “cross reference file” which associates each Bates number with its corresponding single-page TIFF image file; and (2) a “text load file” containing comma delimited, double-quotation qualified ASCII text which will populate fields in a searchable flat database environment, containing one line for each document and fields for first and last Bates number and text generated by optical character recognition (“OCR”).

Specific Information Requests

1. Provide copies of all documents that you produced or provided to any other litigant in the discovery process in the Contribution Litigation. This request includes, but is not limited to, any such documents that: (i) you produced or provided in response to any document production requests or subpoena; (ii) contain your responses and/or objections to interrogatories or requests for admission; (iii) contain your initial disclosures under Fed. R. Civ. P. 26(a)(1); (iv) contain or support any expert report that you or your expert provided under Fed. R. Civ. P. 26(a)(2); and (v) you produced or provided as a supplemental disclosure or response under Fed. R. Civ. P. 26(e). This request includes any such documents that you provided another litigant, whether the documents came from your own files or from another source.